



#31/Response
Hawkins
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Peter A. Hochstein)	
Patentee:	Relume Corporation)	
Patent No.:	5,661,645)	Group Art Unit: 2838
Filed:	June 27, 1996)	Examiner: B. Vu
Issued:	August 26, 1997)	
Serial No.:	09/382,702)	Docket No. 65.016-046
Reissue Filed:	August 24, 1999)	
For:	POWER SUPPLY FOR LIGHT EMITTING DIODE ARRAY)	

RESPONSE TO OFFICE ACTION DATED JANUARY 15, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The two most frustrating experiences an applicant may have with the Patent Office are (1) to wait for an extraordinary length of time to receive an action on the merits, and (2) to receive a rejection of claims previously allowed, over art that has always been of record. We experienced both with the January 15, 2003 office action. Before we explain why each of the rejections should be withdrawn and the patent allowed to re-issue, we recap certain events in the timeline.

We filed this reissue application on August 24, 1999. On September 7, 2000, the Examiner allowed the claims now under rejection. Then in February 2001, the Federal Circuit affirmed the invalidity judgement of claims 1, 2, 4, 5 and 6. Because of this, on February 28, 2001, we filed a Petition to Withdraw from Issue, and on March 5, 2001, a

Appln. No.: 09/382,702
Amdt. dated June 16, 2003
Reply to Office action of 01/15/2003

Request for Continued Examination. The Petition was granted on March 21, 2001.

As of the commencement of the continued examination in early 2001, the claims under examination were *different from* the claims that had been invalidated and were no longer being pursued. That is, claims 1, 2, 4, 5 and 6 are not in this reissue application and not subject to examination hereunder. *Each* of the remaining claims contained additional, narrowing limitations that took them outside the scope of the court decision directed to claims 1, 2, 4, 5 and 6.

In the almost two year span between March 5, 2001 and January 15, 2003, we repeatedly telephoned Examiner Vu and Special Programs Examiner Glick. Right or wrong, we received the impression, at least from Examiner Vu, that the claims would be re-allowed after such continued examination, and that an action on the merits would be forthcoming. Meanwhile, in this 22 month period, we submitted some additional papers for consideration as potentially relevant to the examination. We received feedback that such papers were helpful.

The January 15, 2003 office action was quite unexpected. It contains new grounds for rejecting claims 24-35, 37, 38 and 40-44. These grounds are based on art that has always been of record. In addition, all claims (3, 7-35, 37, 38 and 40-45) stand rejected based on a defective reissue oath. This "defect" is apparently that the application claim which is designed to correct the stated "reissue error" (claim 44) right now stands rejected.

We disagree with and traverse all rejections, as follows. As explained in detail with respect to each rejected claim, the Examiner has either failed to appreciate narrowing limitations in the claims which are completely absent from the prior art, or has used hindsight